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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,800	12/26/2001	Michael Boothby	BOOM 101	7219
7590 07/27/2004			EXAMINER	
Dean A. Craine DEAN A. CRAINE, P.S. 400 112th Avenue NE, Suite 140 Bellevue, WA 98004-5542			COLE, LAURA C	
			ART UNIT	PAPER NUMBER
			1744	

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/032,800

Applicant(s)

BOOTHBY, MICHAEL

Examiner

Laura C Cole

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2004.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 8-14 and 16-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 8-14 and 16-20 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 27 June 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 04012002.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claims 1-7 and 15 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 27 May 2004.

### ***Drawings***

2. The drawings are objected to because:

It appears in Figure 1 that "62" has been inadvertently mislabeled, it is believed that it is meant to be "52", the axis (Page 6 Line 14), which does not appear in the Figures.

In Figure 5, there are two portions labeled "73", but "73" only represents a single ear (Page 7 Line 5). Furthermore, the other ear "74" is missing from the Figure. It appears that one of the ears has been inadvertently mislabeled.

In Figure 5, there are two portions labeled 75, a space (Page 7 Line 7), and it appears that one of labels is incorrect.

In Figure 5, "72" refers to a central neck (Page 7 Line 5), however the portion that it is labeled as such does not appear to be a neck.

In Figure 5, "80" and "81" are the front and rear surfaces (Page 7 Lines 9-10), however there are two portions that are labeled "81" and one portion labeled "80". One of the portions labeled as "81" does not appear to be correct.

In Figure 5, "87" and "88" refer to two pegs (Page 7 Line 20), however there are two portions labeled "87" and one portion labeled "88". One of the portions labeled "87" does not appear to be correct.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference character(s) mentioned in the description: "three bores 96, 98, 99" (Page 8 Line 3), "semi-circular sponge 130" (Page 9 Line 2; is the sponge meant to be represented by "20", see Page 9 Line 21).

Corrected drawing sheets are required in reply to the Office action to avoid

abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "the two bores formed on said body with an elastic cord that extends through said bores" (Claim 16) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the

Art Unit: 1744

changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

5. The disclosure is objected to because of the following informalities:

In the Amendment to the Specification received on 27 May 2004, On Lines 6 and 7, the Applicant discusses the second embodiment having a coupler "11", however it is believed in the second embodiment the coupler is represented by "111".

Appropriate correction is required.

6. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: It appears that the Specification does not provide antecedent basis for "means for biasing are two bores formed on said coupler and said body with an elastic cord that extends through said bores to resiliently connect said coupler (Claim 16).

### ***Claim Objections***

7. Claim 8-14, and 16-20 are objected to because of the following informalities:

Claim 8 Line 4 and Claim 17 Line 7, "*an* squeegee blade" should be "*a* squeegee blade."

Claim 8 Line 7 and Claim 18 Line 3 "*the* longitudinal axis" lacks antecedent basis.

Claim 9 Line 2, the word "said" is repeated twice as the line recites "wherein said said body..."

Claim 16 Line 2, it is recommended that the term "are" be replaced by "comprise" or "include".

Claim 16 Lines 4-5, it appears that after the period that there is extraneous text.

Claim 17 recites a "first pivoting joint", however there is not a "second" pivoting joint that is claimed.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 19-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 19 is confusing and unclear in that Claim 17 requires a body to be perpendicularly aligned on a short pole section and Claim 19 requires that the body be aligned at ten degrees.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 8-14, 16, and 18-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 8 Line 6, it is unclear as to what "an offset fixed rotating joint" is. What is the joint "offset" in relation to? How can the joint be considered "fixed" and "rotating"?

In Claim 8 Lines 9-10, it is confusing and unclear as to what is meant by "means for biasing said body to said offset fixed rotating joint." Is the body at an offset initially? Does the bias means offset the joint? How can the body be biased *to* a joint?

Claim 13 Lines 2-3 recite "...cord that extends from *said through said coupler* and connects..." which is confusing and unclear.

Claim 14 recites the limitation "said elongated joint" in Line 2. There is insufficient antecedent basis for this limitation in the claim.

In Claim 18 Lines 2-3 and Claim 20 Line 2, it is unclear as to what "an offset fixed rotating joint" is. What is the joint "offset" in relation to? How can the joint be considered "fixed" and "rotating"?

Claim 19 recites the limitation "said elongated pole" in Line 3. There is insufficient antecedent basis for this limitation in the claim. The previous claims from which Claim 19 depends, uses the terminology "long pole" and "short pole". Further body is aligned on the short pole, according to Claim 17, not an "elongated pole." Claim 20 also recites, "said elongated pole."

***Claim Rejections - 35 USC § 102***

Art Unit: 1744

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claim 8 is rejected under 35 U.S.C. 102(e) as being anticipated by Wu, USPN 6,152,635.

Wu discloses the claimed invention including an elongated pole (1), a body (28) having a scrubber surface (282) and a squeegee blade (281) located on opposite surfaces (see Figures 8-17), an “offset fixed rotating joint” between the body and said elongated pole enabling the body to be rotated 180 degrees around the longitudinal axis of the pole (portion 288, 286, and 2881; Column 4 Line 65 to Column 5 Line 9), and means for biasing the body to the joint (Column 4 Line 49 to Column 5 Line 9, or spring “285”).

11. Claims 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Klotz, USPN 4,893,370.

Klotz discloses the claimed invention including an elongated pole (4), a body (1) having a scrubber surface (2) and a squeegee blade (3) located on opposite surfaces (see Figure 1), an “offset fixed rotating joint” between the body and said elongated pole enabling the body to be rotated 180 degrees around the longitudinal axis of the pole (SG, DG), and means for biasing the body to the joint (5; Column 6 Lines 9-26). The

Art Unit: 1744

body is aligned in a position on the pole *approximately* ten degrees relative to a longitudinal axis of the pole (see Figure 1). The offset joint includes a coupler (11) attached to the pole and a neck (10) attached to the body, having surfaces that enable the coupler and neck to next together (see Figure 1).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 14 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klotz, USPN 4,893,370 in view of Nehls, USPN 3,773,375.

Klotz discloses all elements above, however does not include a first pivoting joint disposed between a long pole section and a short pole section.

Nehls provides a device that comprises a squeegee device that has a short pole section (10) and a long pole section (11), and a first pivoting joint disposed between the short pole and the long pole (26), and a body perpendicularly aligned on the short pole section (12). The first pivoting joint is provided so that one cleaning a difficult to reach surface can adjustably arrange the angle of the device that is doing the cleaning in order to clean more easily and ergonomically (Column 1 Lines 14-29).

It would have been obvious for one of ordinary skill in the art to modify Klotz by having a first pivoting joint between a long pole section and a short pole section, as

Nehls teaches, so that one may more easily and ergonomically clean a surface area that is difficult to reach.

13. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huang, USPN 4,776,716 in view of Chirumbolo, USPN 4,082,186.

Huang discloses a device that comprises a body (10) that is perpendicularly aligned on a pole section (4; see Figure 2), the body including a scrubber surface (14) and a blade (12) located on opposite surfaces (see Figure 3), and means for rotating the body on a short pole section (Column 3 Lines 30-53). The rotating joint is for allowing the device to be stored compactly (Abstract; Column 1 Lines 27-30). Huang does not include a first pivoting joint disposed between a long pole section and a short pole section.

Chirumbolo discloses a portable cleaning tool that has a long pole (43) and a short pole (44) to where the body (17) is mounted, and a pivoting joint disposed between the pole sections (47) for folding the handle for ease of storage (Column 1 Lines 10-15).

It would have been obvious for one of ordinary skill in the art to modify Huang by having a first pivoting joint between a long pole section and a short pole section, as Chirumbolo teaches, so that the device is able to compactly store and fit into a small area.

***Allowable Subject Matter***

14. Claims 11-13 and 16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

15. The following is a statement of reasons for the indication of allowable subject matter:

None of the prior art made of record includes two pegs attached to a neck and two offset bores formed on the coupler so that the coupler and neck are aligned, that the bores are offset approximately ten degrees from the longitudinal axis, or that the means for biasing is an elastic cord that extends through the coupler and connects to the body.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C Cole whose telephone number is (571) 272-1272. The examiner can normally be reached on Monday-Thursday, 7:30am - 5pm, alternating Fridays.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J Warden can be reached on (571) 272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1744

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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LCC

23 July 2004

  
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